

HOUSE No. 1493

By Ms. Balser of Newton, petition of Ruth B. Balser and others relative to the calculation of interest income by the Division of Medical Assistance for spouses of nursing home residents. Elder Affairs.

The Commonwealth of Massachusetts

PETITION OF:

Ruth B. Balser	Edward G. Connolly
Bruce E. Tarr	Cynthia Stone Creem
Michael E. Festa	James R. Miceli
John W. Scibak	Shirley Gomes
Frank I. Smizik	Joyce A. Spiliotis
Alice Hanlon Peisch	Peter V. Kocot
Susan C. Fargo	

In the Year Two Thousand and Five.

AN ACT TO CORRECT INCOME CALCULATION FOR SPOUSES OF NURSING HOME RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Subsection (c) of section 21A of chapter 118E is amended by
- 2 deleting the current subsection and substituting the following new
- 3 subsection:—
- 4 (c) In making determinations under this section, the division
- 5 shall revise the community spouse resource allowance as per-
- 6 mitted or required by federal law. Either spouse shall have the
- 7 right to request a fair hearing at which, if it is shown that the
- 8 income of the community spouse is less than the minimum
- 9 monthly maintenance needs allowance of the community spouse,
- 10 the referee shall revise the community spouse resource allowance,
- 11 using methods permitted or required by federal law, to a level suf-
- 12 ficient to generate the shortfall in income. The division shall cal-

13 culate interest income on the investment of the community spouse
14 resource allowance using the average money market rates reported
15 by Bank Rate Inc. on the date of the hearing.